



BEFORE THE MONTGOMERY COUNTY ETHICS COMMISSION

Advisory Opinion No. 07-06-013

Section 19A-11(a)(2)(A) of the ethics law prohibits an employee from participating in any matter if the employee knows that a party to the matter is any business in which the employee has an economic interest or is an officer, director, trustee, partner, or employee. An employee seeking reappointment to a County commission asks whether her job with the County Council would conflict with her service on the commission. There is no conflict because a County commission is not a “business” under the Ethics Law.

The term “business” does not include a County agency. § 19A-4(b). A County board, commission, or committee is a County agency. § 19A-4(a)(2). Thus, the commission at issue is not a business under the Ethics Law and the employee may participate in a matter even if the employee’s commission is a party to that matter. Section 19A-12(b), which limits an employee’s ability to engage in outside employment, is not an issue here because service on the commission is voluntary.

Finally, the Ethics Commission understands that the County Council has enacted a resolution (No. 11-108, adopted Feb. 24, 1987) limiting the circumstances under which it will confirm the appointment of a County employee to a position on a board, committee, or commission. The application of that resolution to this situation is outside the Ethics Commission’s jurisdiction, § 19A-7(a), and rests entirely with the County Council.

In reaching this decision the Commission has relied upon the facts as presented by the requester.

FOR THE COMMISSION:

June 29, 2007

Date

Richard N. Reback, Chair